

## STATEMENT OF POSITION

Bonneville, et. al., v. Shawano County

Docket Number 17 – LFSRB - 01

Robert & Leslie Hill, W16272 River Road, Wittenberg, WI 54499  
Thehills5357@gmail.com

Water quality is important to us. Without potable water we would not be able to survive. We submitted a well water sample to the STATE Lab (8/23/2017); our results came back with a positive tests for Choliform, E-coli and Nitrates. All levels are considered dangerous to our health. We were contacted by the STATE Lab on 8/24/2017 by phone and instructed not to use our water for drinking, cooking, washing or bathing. We were instructed to contact the DNR with our water results who proceeded to start a formal investigation which is still ongoing. We were instructed by the DNR to have our well shocked as soon as possible to remove the choliform and e-coli. The well was shocked on 8/26/2017 by Brady's Septic Service. Brady's septic serviced returned on 8/27/2017 retested the well and hand delivered the sample to an independent laboratory in Greenville. Test results came back with a clean well with no bacteria present. Today, we are still unable to use our water for drinking or cooking, due to high levels of nitrates. The DNR strongly encouraged us to share this information to the township. At this time, we paid \$485.00 to have the well shocked, \$58.00 for the tests at the State Lab for bacterial and nitrates and are waiting for the bill for the second testing which was sent to an independent lab in Greenville. We will be testing our well at the end of September and sending specimens to the State Lab for another \$58.00. This is to insure that our groundwater is safe from bacteria. Even though our well has tested negative for bacteria, the nitrates remain present at a high level. We have two options which do not come with assurances that it will correct the nitrates: #1 reverse osmosis, can reduce nitrates (but not eliminate) or #2 drill a new well, again with no assurances we will have water with acceptable levels. Both options do not come without great cost to our restricted income.

Nitrate is one of the most common groundwater contaminants in rural areas. The above water issue has raised concerns regarding our surrounding community. First and foremost the recent manure contamination spillage into the North Branch of the Embarrass River this spring by the Matsche Farms. Leslie, my wife, addressed the Land Conservation Committee at the Shawano County Courthouse on July 13<sup>th</sup>, 2017 and raised concerns regarding increasing the animal herd when there was water contamination of the North Branch of the Embarrass River and the unresolved violations cited by the DNR: Casetrack ID#2017-NEEE-034 dated 5/25/2017. In summary:

- 1) During the May 4, 2017 inspection, department staff observed a discharge of pollutants to mapped wetlands and the navigable North Branch of the Embarrass River (The River). A review of records indicates that precipitation had not fallen within 24 hours prior to the May 4, 2017 inspection. During a May 18, 2017 sampling event, department staff detected an on-going discharge to the River from the Site, at an even greater concentration. The **Department believes that Matsche Farms discharged pollutants** to the River from the feed storage area and greenhouse calf barns, in violation of the Permit.



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- 2) On both May 4, 2017 and May 18, 2017, department staff observed discharges to the River from the Site. While the department has discussed the discharge with Matsche Farms and exchanged emails with Matsche Farms and its consultant, the department is unaware of definitive steps taken to stop the discharge to the River. **The Department believes that Matsche Farms has failed** to take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit as required.
- 3) Section NR243.14(2) Wis. Adm Code and Matsche Farms nutrient management plan prohibit manure from ponding on the application site and from running off the application site during dry weather conditions. Matsche Farms nutrient management plan states "For all fields, except those with alfalfa crop in rotation. Matsche Farms will follow SWQMA option 1 – no application of manure or process Waste-water within 25 feet of a navigable water, conduit to navigable water or wetland; and inject or immediately incorporate manure and process wastewater in all other area within the SWQMA." During the May 4, 2017 inspection, department staff observed manure to have applied within a few feet of a mapped wetland on field ID LL175. Further, department staff observed manure ponded in an area across a fence line off the field. Mr. Scott Matsche stated that the manure was applied on April 30, 2017. Application report indicate that manure was applied to this field on April 26, 2017. **The Department believes that Matsche Farms failed** to ensure that manure and process waste-water is land applied in compliance with the terms of the permit, the approved nutrient management plan and s. NR 243.14 Wis. Adm. Code, as required.
- 4) During the May 4, 2017 inspection, Mr. Matsche state that the runoff collection basin's pump had frozen and was damaged, and recently repaired. Department staff observed solids build-up at a collection inlet covered with a wooden pallet. Flow traces downslope indicate that the inlet is not capturing runoff as intended and the system has not been properly maintained. Department staff followed the flow trace further to a ditchline and mapped wetlands at the Site. **The Department believes that Matsche Farms failed** to ensure that all runoff control systems shall be designed and maintained to comply with production area discharge limitation, as required.



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- 5) During the May 4, 2017 inspection, department staff observed evidence of discharge from animal housing and feeding area near the long calf barn and tracked the discharge to nearby storm water inlets. Stormwater inlets let to a stormwater management pond where Department staff noted a strong smell of manure and spoiled feed, heavy algae growth and brown water. The **Department believes that Matsche Farms failed** to take preventive maintenance actions and conduct periodic visual inspections to minimize the discharge of pollutants from these areas to surface waters, as required.
- 6) During May 4, 2017 inspection and subsequent file review, the department has determined that accurate calculations for days of liquid waste storage were not submitted during the times required by this section. **The Department believes that Matsche Farms failed to** demonstrate compliance with the 180-day design storage capacity requirement, as required.
- 7) During the May 4, 2017 inspection, department staff observed a 2016 feed storage addition and greenhouse calf barn concrete lots. A review of department records found that plans and specifications were not submitted for department review as required for the 2016 feed storage addition or its runoff controls and the greenhouse calf barn concrete lots or their runoff controls. **The Department believes that Matsche Farms failed to** submit plans and specification for the feed storage addition and the greenhouse calf barn concrete lots, as required prior to construction.

As a resident who lives within the 2 mile radius of the Matsche farm, the above issues are discerning. Matsche Farm as a Concentrated Animal Feeding Operations entity, should take ownership and be proactive to protect our ecosystem as well as our water quality. Having manure run off into the field below the calf barns was negligent on their part. This field abuts the river and wetlands, the manure can only saturate the land by going deeper and/or flow into the river, which it did. Water sampling of the river on July 31, 2017 by the DNR continues to report e-coli contamination, proof that our river is contaminated and our ecosystem has been compromised. I live directly southeast of the farm, my ground water, more than likely has been affected by over saturation of manuring of fields. I now worry about chronic health concerns, kidney issues, such as stage two renal disease which my wife experienced, this is a real concern for me. E-coli, another invasive pathogen, could have serious side-effects and/or death if not treated and is still evident in our river water sampling as of July. As Leslie stated at the July 13<sup>th</sup>, 2017 Land Conservation Committee meeting, Matsche Farm request to increase its herd unit to 13,000 animal units when they have not demonstrated "BEST PRACTICE" as a Concentrated Animal Feeding Operation with their current animal units, should have been delayed until all supporting data was procured. It was evident at this meeting that the request for increase was just a formality with no regards to public input and concern given at that time.



Wisconsin State  
Laboratory of Hygiene  
UNIVERSITY OF WISCONSIN-MADISON

Wisconsin State Laboratory of Hygiene  
2601 Agriculture Drive, PO Box 7996  
Madison, WI 53707-7996  
(800)442-4618 - FAX (608)224-6213  
<http://www.slh.wisc.edu>

## Laboratory Report

D.F. Kurtycz, M.D., Medical Director - Prof. James J. Schauer, Ph.D., Director

Environmental Health Division

WDNR LAB ID: 113133790

NELAP LAB ID: E37658

EPA LAB ID: WI00007, WI00008 WI DATCP ID: 105-415

WSLH Sample: 337374001

Report To:

ROBERT & LESLIE HILL  
W16272 RIVER RD  
WITTENBERG, WI 54499

Invoice To:

ROBERT & LESLIE HILL  
W16272 RIVER RD  
WITTENBERG, WI 54499  
Customer ID: 352055

Collection Date: 8/22/2017 1:05:00 PM

Owner: ROBERT AND LESLIE HILL  
W16272 RIVER RD  
WITTENBERG, WI 54499  
715-253-2017

Unique Well #: NA

Well Construction:

County: SHAWANO

Driller or Pump Installers License #:

Sampling Location: W16272 RIVER RD  
WITTENBERG, WI 54499

Sampling Point: KITCHEN TAP

Collected By: LESLIE HILL

Well Completion Date:

Date Received: 8/23/2017


Date Reported: 8/24/2017

Sample Reason: INVESTIGATION

### Inorganic Chemistry

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date 08/23/17	Analysis Date 08/23/17				
Nitrate + Nitrite (as N)	EPA 353.2	29.4	mg/L	0.300	1.00

### Microbiology

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date 08/23/17	Analysis Date 08/24/17				
Total Coliform - Colisure	SM9223B	PRESENT	 /100mL		

#### INTERPRETATION: BACTERIOLOGICALLY UNSAFE

The presence of total coliform indicates a pathway exists allowing surface water and shallow groundwater to enter your water supply. Water which is total coliform unsafe or bacteriologically unsafe should not be used for drinking unless properly disinfected before use.

#### POSSIBLE SOURCES OF BACTERIAL CONTAMINATION

The following are possible sources/reasons for well contamination: leaky or swiveling faucet, improper well-cap, casing not sealed or not extending 12 inches above ground, new well (dirty tools), recent plumbing work. Consider contacting a well driller/pump installer for repair or inspection. Well disinfection may also address the problem.

#### DISINFECTION OF THE WELL AND WATER SYSTEM

1. Mix one gallon of household laundry bleach with 100 gallons of water. If your well is more than 150 feet deep, mix two gallons of bleach with 200 gallons of water.





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### Environmental Health Division

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WSLH Sample: 337374001

### Microbiology

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date 08/23/17	Analysis Date 08/24/17				

2. Remove well cap and pour the entire bleach and water solution into the well.
3. Rinse down the sides of the well casing with a garden hose for 5 to 10 minutes. The rinse water should be from a hose on the water system being disinfected (to circulate bleach solution).
4. To disinfect your house plumbing, run cold water taps until you smell bleach; turn the taps off.
5. Let the bleach remain in the system for at least eight hours preferably 24 hours.
6. Flush bleach solution from water system by running the water through a garden hose to an area where the bleach will not damage lawns, shrubs, or septic systems. Run water until you can no longer smell the bleach.
7. Two or three days and one month after disinfection, a sample from the well should be submitted for bacteriological analysis.

E. Coli - Colisure

SM9223B

PRESENT

/100mL

The presence of E. coli indicates the presence of fecal material. Their presence indicates that water may be contaminated with organisms that can cause disease. THERE WERE E.COLI FOUND IN YOUR WATER SAMPLE.

#### List of Abbreviations:

LOD = Level of detection

LOQ = Level of quantification

ND = None detected. Results are less than the LOD

F next to result = Result is between LOD and LOQ

Z next to result = Result is between 0 (zero) and LOD

If LOD=LOQ, Limits were not statistically derived

Test results for NELAP accredited tests are certified to meet the requirements of the NELAC standards. For a list of accredited analytes see <http://www.slh.wisc.edu/about/compliance/nelac-laboratory-accreditation>

Results, LOD and LOQ values have been adjusted for analytical dilutions and percent moisture where applicable.

Results relate only to the items tested.

This Laboratory Report shall not be reproduced except in full, without written approval of the laboratory.

The water microbiology unit analyzes samples as received and not all samples are tested for preservation before analysis is performed.

### Previous Reports

This sample was previously reported under the following report ID(s): 4457032

### Responsible Party

Microbiology: Sharon Kluender, Lab Manager, 608-224-6262

Inorganic Chemistry: DeWayne Kennedy-Parker, Lab Manager, 608-224-6282

Metals: DeWayne Kennedy-Parker, Lab Manager, 608-224-6282

Organic Chemistry: Al Spallato, Lab Manager, 608-224-6269

Emergency Chemical Response: Noel Stanton, Lab Manager, 608-224-6251

Environmental Toxicology: Tracy Hanke, Lab Manager, 608-224-6270

Statement of Position  
 Bonneville, et. al., v Shawano County  
 Docket Number 17-LFSRB-01

Page 6 of 8

**Brady's Septic Service Inc**  
 W12366 County Rd G  
 Gresham, WI 54128

# INVOICE

Invoice Number: 66169  
 Invoice Date: Aug 29, 2017  
 Page: 1

Voice: 715-787-4152  
 Fax: 715-787-1234

<b>Bill To:</b>
ROBERT & LESLIE HILL W16272 RIVER RD WITTENBERG, WI 54499

<b>Ship to:</b>
ROBERT & LESLIE HILL W16272 RIVER RD WITTENBERG, WI 54499

Customer ID	Customer PO	Payment Terms	
HillRo		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Airborne		9/28/17

Quantity	Item	Description	Unit Price	Amount
	WEL-WATER TEST	<p>PER YOUR REQUEST, SENT A MAN TO YOUR PROPERTY ON 8/26/2017 TO SHOCK WELL WITH 300 GALLONS OF HIGH DOSE CHLORINATED WATER AND LET IT SIT OVERNIGHT.</p> <p>THEN RETURN ON SUNDAY 8/27/2017 TO COLLECT A BACTERIA WATER TEST AND HAND DELIVER TO THE LAB IN GREENVILLE. WE ALSO REPLACED THE EXISTING WELL CAP WITH A NEW 6" ALUMINUM VERMIN PROOF WELL CAP. PRICE INCLUDES ALL LABOR AND MATERIALS TO COMPLETE, INCLUDING 300 GALLONS OF CHLORINATED WATER, TRIP, WATER T TEST FEE AND HAND DELIVERY TO LAB.</p> <p>WORK COMPLETED ON 8/26/2017 &amp; 8/27/2017</p>		485.00
Subtotal				485.00
Sales Tax				
Total Invoice Amount				485.00
Payment/Credit Applied				485.00
<b>TOTAL</b>				<b>0.00</b>

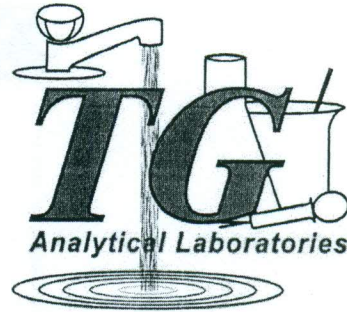
Check/Credit Memo No: CHECK 3507

Overdue invoices are subject to late charges.



Statement of Position Page 7 of 8  
Bonnevillle, et. al., v Shawano County  
Docket Number 17-LFSRB-01

**TG** Analytical Laboratories  
N1022 Quality Dr  
Greenville, WI 54942



**Brady's Septic Service**  
W12366 Cty Rd G  
Gresham, WI 54128

## Water Analysis Report

Unique Well Number:		Date of Sample Collection:	<b>August 27, 2017</b>
Owner/Facility:	<b>Bob &amp; Leslie Hill</b>	Time of Sample Collection:	<b>4:00 PM</b>
Address:	<b>W16272 River Rd</b>	Date Received:	<b>August 28, 2017</b>
City, State Zip:	<b>Wittenber, WI 54499</b>	Report Date:	<b>August 29, 2017</b>
Phone Number:	<b>715-781-5607</b>	Collected By:	<b>Brady's Septic Service</b>
Lab Sample ID:	<b>20171748</b>	Received By:	<b>KM</b>
Well Address/ID:			

Test	Result	Interpretation	LOD/LOQ (mg/L)	Method	Test Date	Analyst
<b>Total Coliform</b>	<b>Absent</b>	<b>"SAFE"</b>	<b>N/A</b>	<b>SM9223B</b>	<b>8/29/2017</b>	<b>DS</b>
<b>E-Coli</b>	<b>Absent</b>					
<b>MCL is &gt;1cfu/100mL</b>						

*Total Coliforms are bacteria that are naturally present in the environment and used as an indicator that other, potentially harmful Bacteria may be present. E. coli are bacteria whose presence indicates that water may be contaminated by human or animal Wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms.\**

### List of Abbreviations:

LOD = Limit of Detection  
LOQ = Limit of Quantification  
MCL = Maximum Contamination Level  
ND = None Detected. Results less than the LOD  
Z = Result between LOD and LOQ  
1 mg/L = 1 part per million (ppm)  
1 µg/L = 1 part per billion (ppb)

### List of Data Qualifiers:

A=All QC Passed, B=method blank>LOD, C=chlorine present, D=sample between LOD and LOQ, E=not enough sample, F=gross deficiencies in QC, G=spike or spike duplicate out of spec, H=A check standard out of spec, I=blank>LOD, J=ICV out of spec, K=sample exceeds holding time limit, L temperature not in range, M=sample container doesn't meet requirements, N=blank>LOQ, O=holding time >30 hours but <48hours, P=sample less than 100mL for coliform analysis, Q=SD>20%, R=misc.

*\*The above information was obtained from the Environmental Protection Agency's internet web page, [www.epa.gov/safewater](http://www.epa.gov/safewater). Documentation for this analysis is maintained for five years and then will be disposed of.*

### Comments:

*Dan Schlenz*

Dan Schlenz, MWS  
Lab Director  
Lab #105-452

WDNR Certification #445158340  
WDATCP Certification #142250-D3

**TG Analytical Laboratories**  
N1022 Quality Drive PO Box 170 Greenville, WI 54942  
Phone 920-757-1355 Fax 920-757-5819

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**Docket Number 17 – LFSRB - 01**

Robert & Leslie Hill, W16272 River Road, Wittenberg, WI 54499  
Thehills5357@gmail.com

This person resides or owns land within 2 miles of the proposed livestock facility expansion.

Name: Robert Hill SIGN: [Signature] Circle One Below  
(LIVE) OWN LAND  
Address: W16272 River Rd City Wittenberg State WI ZIP 54499  
Phone Number: 715-253-2017 Email Addr Thehills5357@gmail.com